

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TOLTEST, INC.

Plaintiff

-vs-

KAREN NELSON-DELK

Defendant

♦ Case No: 3:03CV73`5

♦

♦ Judge David A. Katz

♦

♦ **ANSWER OF DEFENDANT WITH JURY**

♦ **DEMAND ENDORSED HEREON**

♦

♦ Cormac B. DeLaney (0022311)

♦ MANAHAN, PIETRYKOWSKI,

♦ DeLANEY & WASIELEWSKI

♦ 414 N. Erie Street, PO Box 2328

♦ Toledo, OH 43603

♦ (419)243-6148 (FAX)241-7759

♦ *cdelaney@mpdwlaw.com*

♦

Now comes defendant, and for her answer to plaintiff's complaint, avers and says as follows:

1. Answering paragraph one (1), defendant denies the allegations contained therein.
2. Answering paragraph two (2), defendant admits the allegations contained therein.
3. Answering paragraph three (3), defendant denies the allegations contained therein.

ANSWER TO FIRST CLAIM

4. For her answer to paragraphs four (4), five (5), six (6) and seven (7), defendant admits TolTest performed certain work at her property in the state of Michigan. Defendant denies the remaining allegations contained in said paragraphs.

5. For her answer to paragraph eight (8), defendant denies the allegations contained therein.

ANSWER TO COUNT TWO

6. Answering paragraphs nine (9) and ten (10), defendant denies the allegations contained therein.

SECOND DEFENSE

For her second defense, defendant further avers and says, pursuant to 28 USC §1391, the proper venue for this action is a judicial district located in the State of Michigan.

THIRD DEFENSE

For her third defense, defendant further avers and says this Court lacks service over the person of the defendant.

FOURTH DEFENSE

For her fourth defense, defendant further avers and says this Court lacks jurisdiction over the subject matter of this action.

FIFTH DEFENSE

For her fifth defense, defendant further avers and says this action is subject to dismissal for failure of service upon the defendant.

WHEREFORE, having fully answered, defendant prays that plaintiff's complaint be dismissed and that she may go hence without cost.

Respectfully submitted,

MANAHAN, PIETRYKOWSKI, DeLANEY & WASIELEWS

s/ Cormac B. DeLaney
Cormac B. DeLaney (0022311)
414 North Erie Street
P.O. Box 2328
Toledo, Ohio 43603
PH: (419) 243-6148
FAX: (419) 241-7759

JURY DEMAND

Defendant requests a trial by jury on all issues triable by a jury.

Respectfully submitted,

MANAHAN, PIETRYKOWSKI, DeLANEY & WASIELEWSKI

s/ Cormac B. DeLaney
Cormac B. DeLaney (0022311)
414 North Erie Street
P.O. Box 2328
Toledo, Ohio 43603
PH: (419) 243-6148
FAX: (419) 241-7759

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2003, a copy of the foregoing Verification of Service was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

MANAHAN, PIETRYKOWSKI, DeLANEY & WASIELEWSKI

s/ Cormac B. DeLaney
Cormac B. DeLaney (0022311)
414 North Erie Street
P.O. Box 2328
Toledo, Ohio 43603
PH: (419) 243-6148
FAX: (419) 241-7759